

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 297 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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RANJIT MOHANBHAI SOLANKI  
VERSUS  
KHATIJABEN HAJIBHAI FRUITWALA & ORS.  
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Appearance:

MR NB PARIKH for MR BK PARIKH for petitioner  
MR AM DAGLI for respondents No.1 & 2  
None present for respondent No.3  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/05/2000

C.A.V. JUDGEMENT

1. Heard the learned Counsel for the parties. The plaintiff, in the suit of the year 1986, filed this Civil Revision Application under sect.115 of the Civil Procedure Code challenging therein the order of the Trial Court below Exh.47 whereunder the application filed by the plaintiff under Order-6, Rule-17 of the Civil

Procedure Code for amendment of the plaint came to be rejected.

2. Though the learned Counsel for the plaintiff-petitioner made manifold contentions on the merits of the matter, but in view of the order which I propose to pass in this Civil Revision Application, I do not consider it to be necessary to refer and discuss all those contentions.

3. The grant of amendment in the plaint is the discretion of the Trial Court. In the case in hand, after going through the order of the trial court, I do not find any perversity therein which calls for interference of this court therewith under sect.115 of the Civil Procedure Code. It is only an interlocutory order and it is subject to the correction in the appeal to be filed in the case where the plaintiff-petitioner fails in the suit and challenges this order therein, against the final judgement and decree of the Trial Court. If the order of the Court below is allowed to stand, it will not occasion failure of justice or will cause any injury to the petitioner. If any opinion is expressed on merits of the matter, it may cause prejudice to the case of the either of the parties in the appeal to be filed by either of them against the final decree to be passed in the suit.

4. In the result, this revision application fails and the same is dismissed. Rule is discharged. Interim relief granted stands vacated. No order as to costs. The suit, out of which this Civil Revision Application arises, is of the year 1986. The learned Trial Court is directed to finally decide this suit within a period of six months from the date of the receipt of Writ of this order or certified copy thereof, whichever is earlier.

(S.K. KESHOTE, J.)

(kamlesh)